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EXAMINER

POE, KEVIN T

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3693

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/040,929	Applicant(s) DILIP ET AL.	
	Examiner KEVIN POE	Art Unit 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to applicant's communication of June 19, 2009. Claims 1-23 are pending and have been examined. The rejections are stated below.

Response to Amendment

2. Applicant has amended claims 1, 7, and 13.

Response to Arguments

3. Applicant's arguments with respect to rejected claims have been considered and are persuasive and therefore the previous rejection is withdrawn. The new ground of prior art rejection is not necessitated by the amendment of the claims and therefore the action is non-final.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-11 and 13-22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to nonstatutory subject matter. Based on Supreme Court precedent, a method/process claim must (1) be tied to another statutory class of invention (such as a particular apparatus) (see at least *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409

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U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876)) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing (see at least *Gottschalk v. Benson*, 409 U.S. 63, 71 (1972)). A method/process claim that fails to meet one of the above requirements is not in compliance with the statutory requirements of 35 U.S.C. 101 for patent eligible subject matter. Here claims 1-20 fail to meet the above requirements because the claims fail to tie in another statutory class of invention. Claim 1 and 13 recites a "financial management system" but fails to disclose the structural components of the system.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims **1-3, 5-6, 10, 12-14, 17-18, and 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Rose et al. [US Patent No. 5,770,843]** in view of **Tu et al. [US Patent No. 6,499,888 B1]** and further in view of **[Yun et al. US Pub No. 2002/0069122 A1]**.

8. Regarding **claims 1, 12, 13, and 23** Rose discloses a method and computer program the financial management system receiving a request from the user to access

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an account, wherein the request includes account identification information and account access information (name of accounts, PIN number, Figures 5B and 5C, Col. 2 lines 57-65, Col. 3 lines 5-23), the financial management system querying the user for user information (PIN number, Col. 3 lines 5-23), the financial management system obtaining user information, wherein obtain comprises obtaining user information from third parties in real-time using the received user information (database, Col. 2 line 59 - Col. 3 line 4); the financial management system authenticating the user's ability to access the account based on the obtain information (Figure 6, Col. 3 lines 13-16), wherein authenticating comprises verifying the user's ability by comparing user information received from the user with user information obtained (Figure 6, Col. 3 lines 13-16); the financial management system executing a transaction at the request of the user, comprising the financial management system accessing more than one user account at the at least one financial institution and performing a transfer of funds, comprising the financial management system initiating a debit transaction and a credit transaction through an intermediate financial institution distinct from the at least one financial institution (execute transaction, Figure 4, Col. 2 lines 39-52).

Rose does not explicitly disclose receiving login credentials from a user and, in response, logging a user into a financial management system. However Yun teaches Registry Website preferably queries the consumer to enter a user name and password for all subsequent logins by consumer to the Registry Website and to the account management frame (Yun 0054). At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the disclosure of Rose to include the

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teachings of Yun to obtain invention specified. The rationale to combine the teachings would be an improved system for displaying a consumer's credit and banking portfolio in real-time, enabling the consumer to know available credit and interest rate for each of consumer's credit card accounts and credit balances in the consumer's bank accounts and financial accounts.

Rose does not explicitly disclose if the use's identity is not authenticated, querying the user for additional user information. However Tu teaches the submission by a user of an incorrect PIN or password may result in event, or alternatively may result in the repetition of events an additional text message to the user indicating that the previously entered PIN or password was incorrect and inviting the user to enter the correct number or password (Col. 11 lines 48-59). At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the disclosure of Rose to include the teachings of Tu to obtain invention specified. The rationale to combine the teachings would be an improved transaction security and authentication apparatus and system for conducting electronic commerce.

9. Regarding **claims 2 and 14**, Rose does not explicitly disclose determining a risk associated with the user. However Tu discloses determining a risk associated with the user (Col. 5 lines 40-50). At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the disclosure of Rose to include the teachings of Tu to obtain invention specified. The rationale to combine the teachings would be an

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improved transaction security and authentication apparatus and system for conducting electronic commerce.

10. Regarding **claim 3**, Rose does not explicitly disclose wherein obtaining user information from third parties comprises harvesting data from a web page accessed using the received user information. However Yun teaches wherein obtaining user information from third parties comprises harvesting data from a web page accessed using the received user information (0014). At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the disclosure of Rose to include the teachings of Yun to obtain invention specified. The rationale to combine the teachings would be an improved system for displaying a consumer's credit and banking portfolio in real-time, enabling the consumer to know available credit and interest rate for each of consumer's credit card accounts and credit balances in the consumer's bank accounts and financial accounts.

11. Regarding **claims 4 and 16**, Rose discloses wherein the third parties comprise a credit report service and a department of motor vehicles (Fig. 6 lines 13-16).

12. Regarding **claims 5 and 17**, Rose discloses accessing the account; and handling financial transactions initiated by the user and associated with the account (Col. 2 lines 39-52).

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13. Regarding **claims 6 and 18**, Rose discloses further comprising handling financial transactions initiated by the user and associated with the account if the user's ability to access the account is authenticated (Col. 2 lines 39-52, Col. 3 lines 13-16).

14. Regarding **claims 7 and 19**, Rose discloses wherein authenticating the user's ability to access the account comprises verifying one or more of the user's social security number, name, address, phone number, date of birth, and driver's license number (Col. 3 lines 13-41).

15. Regarding **claims 8 and 20**, Rose discloses authenticating the user's ability to access the account comprises presenting the user with a challenge question to be answered by the user (Col. 3 lines 13-41).

16. Regarding **claims 9 and 21**, Rose does not disclose initiating a trial deposit/transfer into the account to further authenticate the user's ability to access the account. However Yun teaches initiating a trial deposit/transfer into the account to further authenticate the user's ability to access the account (0014). At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the disclosure of Rose to include the teachings of Yun to obtain invention specified. The rationale to combine the teachings would be an improved system for displaying a consumer's credit and banking portfolio in real-time, enabling the consumer to know

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available credit and interest rate for each of consumer's credit card accounts and credit balances in the consumer's bank accounts and financial accounts.

17. Regarding **claim 10**, Rose discloses wherein the account is a financial account (Col. 3 lines 18-22).

18. Regarding **claims 11 and 22**, Rose does not disclose requesting a cancelled check associated with the financial account to further authenticate the user's ability to access the financial account, and comparing information on the cancelled check with information obtained from third-party sources. However Yun teaches disclose requesting a cancelled check associated with the financial account to further authenticate the user's ability to access the financial account, and comparing information on the cancelled check with information obtained from third-party sources (0014). At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the disclosure of Rose to include the teachings of Yun to obtain invention specified. The rationale to combine the teachings would be an improved system for displaying a consumer's credit and banking portfolio in real-time, enabling the consumer to know available credit and interest rate for each of consumer's credit card accounts and credit balances in the consumer's bank accounts and financial accounts.

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19. Regarding **claim 15**, Rose discloses verifying a user identity based on information provided by the user, wherein verifying comprises comparing information received from the user with information obtained from a third party (Col. 2 line 66 – Col 3 line 4).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN POE whose telephone number is (571)272-9789. The examiner can normally be reached on Monday through Friday 9:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JAMES KRAMER can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Primary Examiner, Art Unit 3693